



April 23, 2025

Delivered via email

To: Solana Beach City Council

Re: Comments on Agenda Item C1 of 4-23-2025 City Council Meeting City “Council Review of Draft Work Plan for Fiscal Year 2025/26. Work Plan Item 5. Local Coastal Program/Land Use Plan Adoption and Preparation of the Local Implementation Plan”

Honorable Mayor, Deputy Mayor and Councilmembers,

The Surfrider Foundation is a nonprofit grassroots organization dedicated to the protection and enjoyment of our world’s ocean, waves, and beaches through a powerful network. Thank you for the opportunity to comment on the draft work plan for FY 2025/26. Among many important priorities included in the work plan, we urge the City Council to take long-needed action to complete the City’s Local Implementation Plan (LIP) of its Local Coastal Program (LCP). Every city in the coastal zone in the state of California needs to have a certified LCP in order to have local control over coastal development.

This has been a long and difficult path - starting in 2003, Jim Jaffee served for almost ten years on the City’s Citizen’s LCP Committee along with the Coastal Commission, the City Council, and various bluff-top organizations to develop a draft Land Use Plan (LUP). In 2013, the Coastal Commission certified the City’s LUP. Solana Beach was one of the last coastal cities in the entire state of California to develop a LUP. In contrast, our neighbors Del Mar and Encinitas had their LCP’s fully certified by the Coastal Commission in 2001 and 1995, respectively.

In the decade since our LUP was adopted, the City has not fulfilled its second set of requirements to develop an LIP. Without both the LUP and the LIP, the City cannot have a certified LCP. Without this important planning document, all residents of the City, regardless of their proximity to the beach, are required to get either a permit or a waiver from the Coastal Commission for nearly any improvements to their homes. The City will not have true local control over development along our coastline until this is done.

Unfortunately, development of the LIP has not proceeded successfully as seen from a

review of previous work plans.

*Timeline of Work Plan Commitments and Actions
(see full excerpts following signatures)*

- 2014: Work Plan included development of an LIP for City Council review and approval for submission to the Coastal Commission
- 2017: City Council directed staff to pursue geographic segmentation of the bluff top priorities, and submit segmented LIP for non bluff-top properties
- 2019: Work Plan included completion of the segmented LIP for City Council review and approval, with the goal of making the draft LIP available for public review and submitted to the Coastal Commission in spring 2019
- 2021: Work Plan included completion of the segmented LIP for City Council review and approval, with the goal of making the draft LIP available for public review and submitted to the Coastal Commission in fall 2021
- 2022: Work Plan included completion of the LIP for City Council review and approval, with the goal of making the draft LIP available for public review and submitted to the Coastal Commission
- 2023: Work Plan included completion of the LIP for City Council review and approval, with the goal of making the draft LIP available for public review and submitted to the Coastal Commission in fall 2023.
- 2024 Work Plan included included completion of the LIP for City Council review and approval, with the goal of making the draft LIP available for public review and submitted to the Coastal Commission.
- 2025 Work Plan included completion of the LIP for City Council review and approval, with the goal of making the draft LIP available for public review and submitted to the Coastal Commission

Work plans for 2021/2022, 2022/2023, and 2023/2024 also include a proposal to resurrect a Geologic Hazard Assessment District (GHAD). A GHAD could potentially grant only front row blufftop property owners control over potential assessments of other property owners on the bluff based solely on assessed property value. This would put the City in a dangerous situation as the City owns the bluffs and also owns considerable infrastructure along much of the shoreline. GHADs were studied by the City in at least 2002 and 2010 and were not pursued for good reasons.

Unfortunately on March 10, 2021, the City approved destroying records relating to a GHAD including a comprehensive legal analysis.¹ At the very least, the City should have preserved the institutional history of its investigations if they were not complete. Regardless, pursuit of a GHAD prior to completion of a comprehensive LIP approved by the Coastal Commission and adopted by council is putting the cart before the horse. This would abdicate control of our coast to a select few prior to fulfilling statutory obligations to complete an LIP.

Based on these previous work plans, we ask what progress has been made toward developing either a segmented or non-segmented LIP in the last decade. Regardless of previous work, we respectfully request that the City Council truly prioritize development of the LIP and commit to meeting a deadline of readying a draft LIP for public review this year. We also request that the pursuit of a GHAD be eliminated from the work plan as it presents serious risks to the City property as well as protection of coastal resources. Spending \$90,000 in this year's budget if no progress were to made is ill-advised.

Sincerely,

Kristin Brinner & Jim Jaffee
Residents of Solana Beach
Co-Leads of the Beach Preservation Committee
San Diego County Chapter, Surfrider Foundation

¹ From staff report A-6 March 10, 2021, "Documents Below Have Been Reviewed and Approved For Destruction:" ..."Geologic Hazard Abatement District: Legal analysis of formation - Meyers/Nave& peer review estimate (2002-2003); Cal Beach Advocates Corresp (2002); Beach & Bluff Conserv. corresp/rep (2002); Encinitas Bluffs GHAD Plan Control (1994/2004); SANDAG Proced Guide for LAFCO (2013)"

Full Work Plan Excerpts:

2014/2015 Work Plan (page 7)²

FY Objective: With the adoption of the LCP/LUP, City Staff and consultants will initiate preparation of the updated 2010 Mitigation Fee Study and Local Implementation Plan (LIP), for submittal in 2015 to the CCC. As with the LUP, the primary variable of these efforts is the expediency and receptiveness of the public, stakeholders and CCC staff to the City's draft fee study and LIP. The workplan involves the subsequent completion of the LIP, which will involve a comprehensive review of the SBMC for regulations that are affected by the LUP policies. It is also anticipated that the drafting of some new ordinances will be required, most of which will be consolidated and contained in SBMC Title 19.

Title 19 has been reserved for the "Coastal Zone" provisions associated with the LCP/LIP.

Key Tasks:

- Initiate update to the July 2010 Draft Mitigation Fee Study.
- Bring the CCC modified/approved LUPA to City Council for consideration.
- Conduct comprehensive review of existing SBMC for potentially affected municipal code provisions that need to be revised consistent with the LUP/LUPA.
- **Develop an LIP for City Council review and approval. Submit to the CCC upon City Council approval for their review and approval.**
- Coordinate with General Plan Land Use Element Update to ensure consistency.

Estimated Cost: The estimated budget proposed for FY 2014/2015 to complete the LCP/LUP certification process and the development of the LIP is \$170,000.

² https://solanabeach.granicus.com/MetaViewer.php?view_id=5&clip_id=1450&meta_id=160533

2018/2019 Work Plan: Item D1, March 28, 2018 (page 8)

~~extended the timeline for Commission action until July 2017. Following Commission action, the City~~
~~Following Commission action, adopting the fee study study with 16 modifications, the City is moving forward with the development of the LIP. In November of 2017 the City Council directed staff to pursue geographic segmentation of the bluff top properties and authorized the City Manager to request a one year extension for the Fee Study Amendment. The objective is to respond to the CCC's modifications to the fee study amendment and submit the segmented LIP for the non bluff top properties. will need to consider taking final action on the LUPA.~~

Title 19 has been reserved for the "Coastal Zone" provisions associated with the LCP/LIP.

LCP Completed Tasks:

- Establish a Visitor Serving Commercial Zone Overlay in the zoning code and map (Policy 5.1)
- Update the Off Street Parking Design Manual (Policy 2.25, Policy 2.41)
- Stencil storm drains and creek public access points (Policy 3.98)
- Update the City's SDP regulations (Policy 6.3, Policy 6.6, Policy 6.9)
- Establish a museum/visitor center to display local cultural, paleontological and archaeological artifacts (Policy 5.57)

LCP Local Implementation Plan Programs & Tasks for Fiscal Year 2017-2018 / 20182019:

- Complete the segmented LIP for City Council review and approval. Submit to the CCC upon City Council approval for their review and approval.
- Update to Zoning Code development standards (Policy 2.31, Policy 3.21, Policy 3.35)
- ~~Establish a Visitor Serving Commercial Zone Overlay in the zoning code and map (Policy 5.1)~~
- ~~An uUpdate to the Highway 101 Specific Plan is in progress, North and South Cedros Avenue and the Train Station parking and development standards (Policy 2.40, Policy 2.69)~~
- ~~Develop an in-lieu ESHA mitigation fee program (Policy 3.10, Policy 3.12)~~
- ~~Update DRP and Grading ordinances in the LIP (Policy 3.41, Policy 3.89)~~
- ~~Review and update Dark Sky Overlay regulations (Policy 3.49)~~
- ~~Prepare an update to the City's Drainage/Stormwater Master Plan (Policy 3.56, 3.72)~~
- ~~Continue to coordinate with other jurisdictions in developing a watershed urban runoff management plan (WURMP) (Policy 3.74, Policy 3.75, Policy 3.87) and revise City regulations to comply with the SUSMP (Completed)~~
- ~~Update HOZ regulations to include a coastal bluff overlay in LIP and SBMC (Policy 3.35, Policy 4.02)~~

2019/2020 Work Plan: March 27, 2019

non-bluff top properties:

On November 8, 2017, the City Council directed staff to pursue geographic segmentation of the bluff top properties from the rest of the City in the LIP and authorized the City Manager to request a one-year extension from the CCC on the Fee Study LUP Amendment. On November 13, 2018, the City Council adopted all the CCC "Suggested Modifications" on the City's Fee Study and LUPA. On December 13, 2018 the CCC concurred with the Executive Director's determination that the City's actions are legally adequate pertaining to the adoption of a public recreation fee associated with shoreline development. City staff continues to work on the draft LIP that would geographically segment the bluff top properties from the rest of the City.

LCP Local Implementation Plan Programs & Tasks for Fiscal Year 2018/2019/ 2019/2020:

- Complete the segmented LIP for City Council review and approval. Submit to the CCC upon City Council approval for their review and approval. Draft LIP available for public review and submitted to CCC spring 2019
- Update to Zoning Code development standards (Policy 2.31, Policy 3.21, Policy 3.35)
- An update to the Highway 101 Specific Plan is in progress (Policy 2.40, Policy 2.69). Done 2018
- Retain biologist to review and update ESHA maps in the LUP (Policy 3.5, Policy 3.7). Done.
- Complete Public Recreation Impact Mitigation Fee LUPA process. Done 2018

LCP Local Implementation Plan Programs & Tasks in future Fiscal Years:

- Develop an in-lieu ESHA mitigation fee program (Policy 3.10, Policy 3.12)
- Update HOZ regulations to include a coastal bluff overlay in LIP and SBMC (Policy 3.35, Policy 4.02)
- Develop a parkland impact mitigation fee program (Policy 2.4, Policy 2.48). Done 2018
- Update the Sign Ordinance (Policy 2.22, Policy 3.19, Policy 6.27, Policy 6.28, Policy 6.29)
- Develop a mitigation program for high cost hotel rooms (Policy 2.32, Policy 5.8)
- Monitoring program for City's public coastal access ways (Policy 2.56) On-going
- Evaluate options for possible removal of rip rap on beach at Del Mar Shores public access way (Policy 2.62)
- Develop Heritage Tree Protection Ordinance (Policy 3.51, Policy 3.52, Policy 3.53)
- Prepare a wetland inventory/delineation for City (Policy 3.66)
- Cap all storm drains that drain west over the coastal bluffs by 2018 (Policy 4.28). Public storm drains are done. Private drains are on-going as new permits/development comes forward.
- Establish an assessing entity/GHAD (Policy 4.35, Policy 4.36). Working with SANDAG

2021/2022 Work Plan: April 14, 2021

LCP Local Implementation Plan Programs & Tasks for Fiscal Year 2021/2022:

- Complete the segmented LIP for City Council review and approval. (Completed)
- Submit to the CCC upon City Council approval for their review and approval.
Draft LIP available for public review and submitted to CCC Spring ~~2019~~ Fall 2021
- Complete a Land Use Plan Amendment (LUPA) to correct zoning information within the approved LUP
- Update to Zoning Code development standards (Policy 2.31, Policy 3.21, Policy 3.35)

LCP Local Implementation Plan Programs & Tasks in future Fiscal Years:

- Develop an in-lieu ESHA mitigation fee program (Policy 3.10, Policy 3.12)
- Update HOZ regulations to include a coastal bluff overlay in LIP and SBMC (Policy 3.35, Policy 4.02)
- ~~Develop a parkland impact mitigation fee program (Policy 2.4, Policy 2.48)~~
(Completed)
- Update the Sign Ordinance (Policy 2.22, Policy 3.19, Policy 6.27, Policy 6.28, Policy 6.29)
- Develop a mitigation program for high cost hotel rooms (Policy 2.32, Policy 5.8)
- Monitoring program for City's public coastal access ways (Policy 2.56)
- Evaluate options for possible removal of rip rap on beach at Del Mar Shores public access way (Policy 2.62)
- Develop Heritage Tree Protection Ordinance (Policy 3.51, Policy 3.52, Policy 3.53)
- Prepare a wetland inventory/delineation for City (Policy 3.66)
- Establish an assessing entity/GHAD (Policy 4.35, Policy 4.36)

2022/2023 Work Plan: June 22, 2022

LCP Local Implementation Plan Programs & Tasks for Fiscal Year 2022/2023:

- Submit to the CCC upon City Council approval for their review and approval. Draft LIP available for public review and submitted to CCC Fall 2021.
- Complete a Land Use Plan Amendment (LUPA) to correct zoning information within the approved LUP.
- Update to Zoning Code development standards.

LCP Local Implementation Plan Programs & Tasks in future Fiscal Years:

- Develop an in-lieu ESHA mitigation fee program (Policy 3.10, Policy 3.12).
- Update HOZ regulations to include a coastal bluff overlay in LIP and SBMC (Policy 3.35, Policy 4.02).
- Update the Sign Ordinance (Policy 2.22, Policy 3.19, Policy 6.27, Policy 6.28, Policy 6.29).
- Develop a mitigation program for high-cost hotel rooms (Policy 2.32, Policy 5.8).
- Monitoring program for City's public coastal access ways (Policy 2.56).
- Evaluate options for possible removal of rip rap on beach at Del Mar Shores public access way (Policy 2.62).
- Develop Heritage Tree Protection Ordinance (Policy 3.51, Policy 3.52, Policy 3.53).
- Prepare a wetland inventory/delineation for City (Policy 3.66).
- Establish an assessing entity/GHAD (Policy 4.35, Policy 4.36).

Estimated Cost: The estimated budget proposed for FY 2022/2023 to continue the LCP Local Implementation Plan efforts is \$55,200 for LIP/Coastal Program Management by Summit Environmental Group and \$27,600 for adjunct planning services by Summit.

5. Local Coastal Program/Land Use Plan Adoption and Preparation of the Local Implementation Plan

Summary: The City prepared a Local Coastal Program (LCP) Land Use Plan (LUP) which was certified by the California Coastal Commission (CCC) on March 7, 2012, and subsequently adopted by the City Council in February 2013. At the time of adoption, the City Council also directed City Staff to prepare a Land Use Plan Amendment (LUPA) to modify some of the provisions in the LUP relating primarily to bluff top development, shoreline protection and private beach access ways. The CCC approved the City's LUPA in January 2014, and incorporated 12 additional CCC-initiated modifications. The City then prepared at the direction of the CCC, a update to the 2010 Draft Mitigation Fee Study

The certified LUP includes a requirement to update the 2010 Draft Mitigation Fee Study prepared by the City. In January 2014, the CCC awarded the City a grant in the amount of \$120,000 for use by the City in updating the draft fee study to reflect the policies in the Certified LUP. An updated public recreation impact fee study and draft LUPA was submitted to the CCC on April 29, 2016, and approved by the CCC with modifications. The City Council adopted the modification on November 13, 2018; CCC Executive Director concurrence was received on December 13, 2018. City Staff continues to work on the draft LIP that would geographically segment the bluff top properties from the rest of the City and Title 19 has been reserved for the "Coastal Zone" provisions associated with the LCP/LIP.

FY 2024/25 Actions:

A. Conduct engagement and prepare a draft LIP and Land Use Plan Amendment (LUPA) to correct zoning information within the approved LUP.

Summary of Budgetary Projections for FY 2024/25: The estimated budget proposed for FY 2024/25 to continue the LCP Local Implementation Plan efforts is approximately \$90,000 programmed for consultant services for adjunct planning services and document assistance.